

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DAVID SCOTT VARNALL
Plaintiff/s

V.

CPL. MENDEZ 68322 ET AL
Defendant/s

Civil Action No.: 05-527-SLR

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MOTION FOR APPOINTMENT OF COUNSEL

COMES NOW, the Plaintiff, DAVID S. VARNALL, pro se who

pursuant to APPOINTMENT OF COUNSEL, BD scanned, moves this

Honorable Court to grant this motion. In support, the following facts are asserted;

I NEED A LAWYER BECAUSE THE CASE AGAINST MENDEZ ET AL IS GETTING TOO COMPLICATED FOR ME. EVEN THOUGH I HAVE A VIDEO OF THE INCIDENT I NEED HELP IN THE PAPER WORK INVOLVED. I CANT FIND A LAWYER IN DELEWARE TO TAKE MY CASE. I DONT EVEN HAVE ACCESS TO ALL THE LAWBOOKS THAT I NEED. THE RESEARCH I HAVE DONE, I HAVENT FOUND A CASE THAT IS LIKE MINE. I HAVE NOBODY TO HELP ME. I CANT GET LEGAL ADVICE FROM THE COURT AND NOBODY IS OFFERING IT. I ALWAYS HEAR, "I CANT GIVE LEGAL ADVICE." I DO NOT HAVE A LAW DEGREE THAT IS WHY I NEED A LAWYER. EVEN INTERNAL AFFAIRS OF THE DELEWARE STATE POLICE EXONERATED CORPORAL ANTHONY MENDEZ. I KNOW THE 8th AMENDMENT AND THE 4th AMENDMENT WAS VIOLATED WHEN THE POLICE WERE INVOLVED WITH ME AND ITS ON VIDEO. I KNOW POLICE ARENT SUPPOSED TO WHACK SOMEBODY IN THE HEAD WHILE THEY ARE HANDCUFFED. AND THE STATE'S DEFENSE: IV: I ADMITTED THAT IN TRYING TO TAKE PLAINTIFF INTO CUSTODY WHILE PLAINTIFF WAS RESISTING ARREST CORPORAL MENDEZ STRUCK PLAINTIFF TWICE IN THE HEAD WITH A FLASHLIGHT IN SELF DEFENSE AND USING A REASONABLE AMOUNT OF FORCE UNDER THE CIRCUMSTANCES TO TAKE PLAINTIFF INTO CUSTODY.

NEXT PAGE

ON MY COMPLAINT AND IN THE VIDEO, I AM HAND-
 CUFFED. I STATED THAT IN MY COMPLAINT BUT IT WAS
 LEFT OUT IN THE STATE DEFENDANT'S ANSWER TO THE COM-
 PLAIN. AND MICHAEL TUPMAN, DEPUTY ATTORNEY GENERAL
 OF THE DEPARTMENT OF JUSTICE SIGNED OFF ON IT. PAGE
 5 OF THE POLICE REPORT MENDEZ ADVISED SUSCOM THAT
 HE HAD THE SUBJECT IN CUSTODY, ON THE GROUND, AND IN
 FRONT OF HIS POLICE VEHICLE. THERE IS QUITE A BIT OF
 DISCREPANCIES IN THE POLICE REPORT AND IN SUSSEX
 COUNTY COURT RECORDS THAT DON'T COLLABORATE WITH
 VIDEO. CLEARLY CAN BE SEEN THAT PEOPLE IN TOP BRASS
 ARE WANTING THIS TO GO AWAY, THE ILLEGAL WAY
 I NEED HELP! PLEASE, I'M BEGGING THE COURT. ALSO,
 WHEN DOES THE VIDEO COME INTO PLAY IN THIS CASE?
 THANK YOU.

SURELY,



DAVID S. YARNALL ⁵⁴⁸⁹⁷³

S.C.I.

P.O. Box 500

GEORGETOWN DE

19947

IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF DELAWARE

DAVID SCOTT YARNALL

v.

CPL MENDEZ 4032 Z ET AL

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No. 05-527-SLR

ORDER

IT IS HEREBY ORDERED, this _____ day of _____, 20____ that
the attached Motion for _____
Has been read and considered.

IT IS ORDERED THAT _____

JUDGE

CERTIFICATE OF SERVICE

I, DAVID S. YARNALL, hereby certify that I have served a true and correct copy of the attached motion upon the following party, on the 3 day of AUGUST, 06.

**** Circle the Department of Justice you are serving ****

Deputy Attorney General
Department of Justice
820 North French Street
Wilmington, DE 19801

Deputy Attorney General
Department of Justice
102 West Water Street
Dover, DE 19904

Deputy Attorney General
Department of Justice
114 East Market Street
Georgetown, DE 19947

8/3/06
Date Signed

[Signature]
Signature of Movant (Notarization not required)